

Application No.: 10/580,880  
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### **REMARKS/ARGUMENTS**

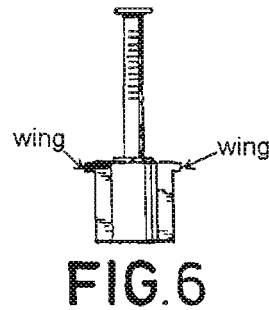
Claims 1-17 are pending in this application. Claims 1, 3, 4, 6, 8, 10, and 12-14 have been amended. Claim 17 has been newly added. No new matter has been introduced. Claims 2, 5 and 7 have been cancelled. Reconsideration of the application in view of the following remarks is respectfully requested.

#### **Oath/Declaration**

The Examiner has objected to the declaration as containing alterations that were non-initialed and/or non-dated, and not including citizenship of each inventor. The corrected declaration will be submitted upon receipt from the Applicant.

#### **35 USC §102 Rejections**

Claims 1-3, 6, and 10-12 were rejected under 35 U.S.C 102(b) as being anticipated by Howells (Des. 367,604). Amended claim 1 includes the protruding abutment ear feature. Howells does not disclose abutment ears, and the protruding portions (labeled as wings in Fig. 6 below) on the upper edge of Howell's clips appear to be winged grip formations which do not go into abutment with adjacent clips.



Abutment points as the Examiner indicated for Howells in the Figure on page 3 of the Office Action can not be said to be abutment ears which protrudes from one of the legs of the Howells' clips. The abutment points are rather just points on the legs where it may be assumed adjacent clips abut when rotated relative to one another. As mentioned, the abutment ears 70 of the present invention provide a rounded cam face for ease of pivot and gradual force transfer as the clips of the present invention are rotated relative to each other.

Additionally, the Examiner alleges that Keffeler teach protruding abutments. However, Keffeler is in the field of medication dispensers. Keffeler teaches protrusions 66, 68 spaced above a tab 48. The protrusions 66 and 68 act as pivot points as the cover is moved upwardly. This is in stark contrast to the abutment ears of the present invention, which are located on the legs of the clips so that rotation of the clips in a sideways direction breaks the attachment lug. The protrusions 66 and 68 of Keffeler are rectangular shaped, whereas the abutment ears 70 of the present invention are ear shaped. The ear shape of the abutment ears 70 provide a rounded

cam face for ease of pivot and gradual force transfer as the clips are rotated relative to each other. The Applicant respectfully submits that Keffeler is not within the same field of the present invention, does not address the same problem and does not teach the abutment ears of the present invention.

Furthermore, amended claim 6 recites that each leg of each clip has a single abutment ear 70 which is located diagonally across from the single abutment ear of its other leg. This feature is not taught by Howells or Keffeler and is the preferred embodiment of the present invention.

Thus, Howells and/or Keffeler fail to disclose the invention as recited in independent claim 1, and depending claims therefrom. Thus, withdrawal of the rejection is respectfully requested.

### **35 USC §103 Rejections**

Claims 4, 8 and 9 were rejected under 35 U.S.C 103(a) as being unpatentable over Howells and further in view of Meritt (US 4,903,920). The above-argument with regard to claim 1 equally applies herein as claims 4, 8 and 9 ultimately depend from claim 1. Specifically, Howells fails to teach or suggest abutment ears and protruding portions. Additionally, the Examiner acknowledged that Howells fails to teach or suggest a widened portion. The Examiner

cites Meritt as allegedly teaching a widened portion. However, Meritt fails to overcome the deficiencies of Howells. Thus, withdrawal of the rejection is respectfully requested.

Claims 5 and 7 were rejected under 35 U.S.C 103(a) as being unpatentable over Howells in view of Keffeler et al (US 7,097,037). Claims 5 and 7 have been cancelled. Thus, the rejection is believed to be moot.

Claim 13 was rejected under 35 U.S.C 103(a) as being unpatentable over Howells and further in view of Ernst et al (US 5,069,340). The above-argument with regard to claim 1 equally applies herein as claim 13 depends from claim 1. Specifically, Howells fails to teach or suggest abutment ears and protruding portions. The Applicant further submits that Ernst et al is in the field of fastener guiding tools, not in the field of clips of the present invention, does not address the same problem and does not teach a notch of an attachment lug of the present invention. Thus, withdrawal of the rejection is respectfully requested.

Claims 14-16 were rejected under U.S.C 103(a) as being unpatentable over Howells. The Examiner admits that Howells does not expressly disclose the manner of usage of the device, but states that if the prior art device is the same as a device described in the specification for carrying out the claimed method, it can be assumed the device will inherently perform the claimed process. By that rationale, claims 14 to 16 will be allowable as claim 1 is allowable. Howells is

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silent on how the clips in the strip of clips are rotated to be broken and Keffeler teaches upward rotation only. Howells may presumably be broken by upwards and downwards rotation as opposed to the sideways rotation provided by the present invention due to the location of the abutment ears. Thus, withdrawal of the rejection is respectfully requested.

In view of the foregoing, reconsideration and allowance of this application are respectfully requested.

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**CONCLUSION**

For the reasons stated above, Applicant believes that all of the Examiner's arguments and concerns have been addressed and the application is allowable over the prior art.

Therefore, Applicant respectfully submits that independent claims 1 and 14, and all claims dependent therefrom, are patentably distinct. This application is believed to be in condition for allowance. Favorable action thereon is therefore respectfully solicited.

Respectfully submitted,



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